

## Coast Guard, DHS

## § 155.4040

for the specific service required, is to be contracted for a specific response, justification for the selection of that resource provider needs to be provided to, and approved by, the FOSC. Only under exceptional circumstances will the FOSC authorize deviation from the resource provider listed in the approved vessel response plan in instances where that would best affect a more successful response.

(b) *Worker health and safety.* Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q).

### **§ 155.4035 Required pre-incident information and arrangements for the salvage and marine firefighting resource providers listed in response plans.**

(a) You must provide the information listed in §§ 155.1035(c) and 155.1040(c) to your salvage and marine firefighting resource providers.

(b) *Marine firefighting pre-fire plan.* (1) You must prepare a vessel pre-fire plan in accordance with NFPA 1405, Guide for Land-Based Firefighters Who Respond to Marine Vessel Fires, Chapter 9 (Incorporation by reference, *see* § 155.140). If the planholder's vessel pre-fire plan is one that meets another regulation, such as SOLAS Chapter II-2, Regulation 15, or international standard, a copy of that specific fire plan must also be given to the resource provider(s) instead of the NFPA 1405 pre-fire plan, and be attached to the VRP.

(2) The marine firefighting resource provider(s) you are required to identify in your plan must be given a copy of the plan. Additionally, they must certify in writing to you that they find the plan acceptable and agree to implement it to mitigate a potential or actual fire.

(3) If a marine firefighting resource provider subcontracts to other organizations, each subcontracted organiza-

tion must also receive a copy of the vessel pre-fire plan.

[USCG-1998-3417, 73 FR 80649, Dec. 31, 2008, as amended by USCG-2010-0351, 75 FR 36285, June 25, 2010]

### **§ 155.4040 Response times for each salvage and marine firefighting service.**

(a) You must ensure, by contract or other approved means, that your resource provider(s) is capable of providing the services within the required timeframes.

(1) If your vessel is at the pier or transiting a COTP zone within the continental United States (CONUS), the timeframes in Table 155.4030(b) apply as listed.

(2) If your vessel is at the pier or transiting a COTP zone outside the continental United States (OCONUS), the timeframes in Table 155.4030(b) apply as follows:

(i) Inland waters and nearshore area timeframes apply from the COTP city out to and including the 12 mile point.

(ii) Offshore area timeframes apply from 12 to 50 miles outside the COTP city.

(3) If your vessel transits within an OCONUS COTP zone that is outside the areas described in paragraph (a)(2) of this section, but within the inland waters or the nearshore or offshore area, you must submit in writing, in your plan, the steps you will take to address salvage and marine firefighting needs in the event these services are required.

(b) The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. It ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 or 50-mile point from the COTP city, or a point identified in your response plan for areas OCONUS.

(c) Table 155.4040(c) provides additional amplifying information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city.